

WISHA Interim Operations Memorandum
Washington Department of Labor and Industries
#98-5-E
OVERVIEW OF EXPLOSIVES INSPECTION ACTIVITIES

Approved: Michael Wood, Senior Program Manager
WISHA Policy & Technical Services

Date Issued: May 4, 1998

Background

Several questions have been raised about the authority provided by Title 70.74 RCW, the Explosives Act, particularly in relation to the type and priority of inspections assigned to explosive inspectors. Questions have also been raised regarding the primary focus of explosives inspections.

Title 70.74 RCW authorizes the Department of Labor & Industries (L&I) to regulate all aspects of manufacturing, possession, storage, selling, purchasing, transportation and use of explosives, except as exempted under RCW 70.74.191. The Explosives Act is enforced through the mechanisms provided by Title 49.17 RCW, the Washington Industrial Safety and Health Act (WISHA). However, the authority provided by the Explosives Act is separate and distinct from the basic worker protection provisions of WISHA. For example, worker exposure to a hazard is not necessary before the provisions of the Explosives Act can be invoked and a citation issued.

In fact, the primary concern in conducting inspections pursuant to Title 70.74 RCW is to ensure an appropriate level of protection is being provided to the *public*, although worker protection in relation to explosives remains a WISHA concern.

This WISHA interim memo provides regional managers, safety compliance supervisors and explosives inspectors general guidance in the scheduling and conduct of explosives inspections

Policy

1. *Who may conduct explosives inspections, whether pursuant to the Explosives Act or to WISHA?*

Only designated explosives inspectors or other inspectors who have been thoroughly trained and shown knowledgeable in the use and handling of explosives may be assigned to conduct inspections at explosives storage or use sites. Before an employee other than a designated explosives inspector conducts such inspections, the employee's supervisor and the Explosives Specialist in WISHA P&TS must agree that the employee has the necessary training and knowledge.

2. *With what regulations must an explosives inspector be familiar?*

Explosive inspectors must be familiar with all WISHA regulations and procedures, with a particular emphasis on Chapters 296-50, 296-52, 296-59, and 296-61 WAC. Explosive inspectors must also be familiar with Title 70.77 RCW, the Fireworks Act, as well as applicable NFPA, UBC, BATF, MSHA, and USDOT regulations.

3. *What issues should be of primary concern to an explosives inspector when he or she is conducting an inspection?*

In conducting explosives inspections, the explosives inspector is expected to show a primary concern with those facilities and conditions which most directly relate to the safety of the public and of workers. Accordingly, all explosives inspections are expected to address at least the following when applicable and to the extent possible based on the particular circumstances of the inspection:

- a. Whether licenses are current;
- b. Whether the blaster in charge is competent;
- c. Whether proper storage facilities are available;
- d. Whether transportation of explosive material is done in a legal manner;
- e. Whether the manufacture site meets applicable requirements; and
- f. Whether necessary and appropriate safety measures are in place at explosives use sites.

4. *How should an explosives inspector and his or her supervisor determine the priority of explosives inspections?*

In assigning and scheduling explosives inspections, explosives inspectors and their supervisors are expected to reflect the following inspection priority:

- a. Imminent danger
- b. Fatality/catastrophe investigations
- c. Explosives incidents
- d. Complaints/referrals
- e. Work sites where explosives are being used
- f. Explosive magazine inspections (reflecting the following priority for such inspections):
 - i. cancellation of storage license
 - ii. magazine moved to new location
 - iii. construction of new magazine
 - iv. annual inspection of licensed magazines and manufacture plants
 - v. follow up on expired or canceled licenses
- g. Programmed inspections